



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

APR 10 2014

Mr. Thomas Frick  
Director  
Division of Environmental Assessment and Restoration  
Florida Department of Environmental Protection  
Mail Station 3000  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Dear Mr. Frick:

The U.S. Environmental Protection Agency has completed its review of the revisions to establish site-specific alternative criteria (SSAC) for dissolved oxygen (DO) for portions of Thomas Creek in Duval and Nassau Counties, Florida. Florida Department of Environmental Protection signed the Final Order, OGC Case No. 13-1102, for this revision on October 5, 2013 and subsequently duly adopted the SSAC under State law. The revisions were submitted by letter from Thomas M. Beason, General Counsel of FDEP, to A. Stanley Meiburg, Acting Regional Administrator, U.S. EPA Region 4, dated November 22, 2013.

In accordance with Section 303(c) of the Clean Water Act, 33 U.S.C. § 1313(c), I am hereby approving the SSAC for DO adopted by FDEP on October 5, 2013. The alternative criteria which provide that DO in the stream reaches shall be maintained at or above 2.6 mg/L as an annual average with no more than 10% of the individual measurements falling below 1.6 mg/L on an annual basis was established because naturally-occurring DO levels lower than the previous SSAC have been documented year-round.

While the EPA recognizes that DO levels may fall to these levels on occasion, the EPA would oppose more frequent excursions to this level than would naturally occur. Section 62-302.500(2)(f) of Florida's Water Quality Standards, Fla. Admin. Code Ann. R. 62-302.500(2)(f), provides in regard to alternative DO criteria that the "alternative criteria shall not result in a lowering of dissolved oxygen levels in the water body, water body segment, or any adjacent waters and shall not violate the minimum criteria specified in Rule 62-302.500(1), F.A.C. Daily and seasonal fluctuations in dissolved oxygen levels shall be maintained." Therefore, the EPA understands that the alternative numerical criteria, along with the requirements contained in Fla. Admin. Code Ann. R. 62-302.500, will assure maintenance of the naturally-occurring DO levels in the waterbody.

The EPA is pleased that the State has recommended ongoing monitoring to assess discharge compliance with these SSAC. Nutri-Turf, LLC's disposal system should not result in more frequent DO excursions than would naturally occur in the absence of the discharge. If that permittee's discharge fails to maintain the natural instream DO levels, Nutri-Turf, LLC's NPDES permit requirements should be modified, as appropriate.

Lastly, as described on page 15 of the Technical Support Document submitted with the Final Order, the EPA appreciates the clarification that "the 10% exceedance rate allowed for individual measurements is not intended to be compounded with an additional 10% rate based on the binomial assessment

methodology applied in Florida's Impaired Waters Rule." If this clarification needs to be codified, then the EPA recommends doing so in the next revision of the Impaired Waters Rule.

The EPA would like to commend you and your staff for your continued efforts in environmental protection for the State of Florida. Should you have any questions regarding EPA's approval, please contact me at (404) 562-9345 or have a member of your staff contact Ms. Lauren Petter, Florida Water Quality Standards Coordinator, at (404) 562-9272.

Sincerely,



James D. Giattina

Director

Water Protection Division

cc: Thomas M. Beason, FDEP  
Kenneth Weaver, FDEP